

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**VERNON HORTON,**

**Petitioner,**

**V.**

**WARDEN WILLIAM DANFORTH,**

**Respondent.**

**CIVIL ACTION NO. 5:13-CV-439 (MTT)**

## ORDER

Before the Court is the Recommendation of Magistrate Judge Charles H. Weigle (Doc. 10) on the Respondent's motion to dismiss (Doc. 7). The Magistrate Judge recommends granting the motion to dismiss because the Petitioner failed to file his § 2254 habeas petition within the one-year limitations period set forth in the Antiterrorism and Effective Death Penalty Act ("AEDPA") and showed no basis for equitable tolling.<sup>1</sup> The Magistrate Judge further recommends denying a certificate of appealability because the Petitioner has not made a substantial showing of the denial of a constitutional right. The Petitioner has not objected to the Recommendation. The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Respondent's motion to dismiss is **GRANTED**, and the Petitioner's § 2254 petition is **DISMISSED**. A certificate of appealability is **DENIED**.

<sup>1</sup> As noted in the Recommendation, the Petitioner failed to respond to the motion to dismiss at all despite a court order.

**SO ORDERED**, this 6th day of May, 2014.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT